

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4804 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PATEL REVABHAI KALIDAS

Versus

NIWAZKHAN ASAMANKHAN PATHAN

Appearance:

None present for Petitioners

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/10/96

ORAL JUDGMENT

Perused the Special Civil Application. The petitioners have challenged the order made by Civil Judge, Senior Division, Nadiad passed in Misc. Application No.3 of 1983. This petition has been admitted by this Court on 12.9.86 and interim relief in terms of para 11(b) granted. In para-11(b), the petitioners have prayed for stay of implementation of the order passed in Civil Application No.3 of 1983, impugned

in this Special Civil Application. The aforesaid order has been passed by the Civil Judge, S.D., under Section 20(2) of the Minimum Wages Act, 1948. Under the order impugned in this Special Civil Application, the Court below condoned the delay made in filing of the application by the respondents under the Minimum Wages Act, 1948.

2. I do not find any illegality in the order. The Court below has passed just and reasonable order. Delay has been condoned and ordinarily in such matter, no interference should be made by this Court. The Court below has found sufficient cause for condonation of delay and it is a matter of satisfaction of the Court below, and in such discretionary orders, no interference sitting under Article 227 of the Constitution should be made by this Court. After going through the order impugned, I do not find any perversity therein which calls for interference of this Court. In the result, this Special Civil Application is dismissed. Rule discharged. Ad-interim relief, granted by this Court stands vacated.

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(sunil)